

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROCKY LEE DEWALT,)	
)	
Plaintiff,)	
)	
v.)	1:09CV493
)	
UNIDENTIFIED OFFICER,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, has submitted what appears to be a civil rights action pursuant to 42 U.S.C. § 1983. He states that an unidentified guard is harassing him and threatening him and that “the High Power” is allowing this to continue and even encouraging it. The form of the complaint is such that serious flaws make it impossible to further process this complaint. The problem is:

1. The defendant prison guard is not identified. However, Plaintiff is housed in Butner, North Carolina, which is not located within this District, but is located in the Eastern District of North Carolina. As Plaintiff has been told previously, he should seek the proper forms from the Clerk of that district and file the complaint there. The proper address is: 310 New Bern Avenue, Room174, Raleigh, NC 27601.

Consequently, this particular complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, in the correct district.

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, in the correct district.

/s/ P. Trevor Sharp

United States Magistrate Judge

Date: July 17, 2009